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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JAMES EDWARD JONES, an individual,

Plaintiff,

vs.

COMPLAINT
AND JURY DEMAND

DESIGNED RECEIVABLE SOLUTIONS,
INC., a Nevada Corporation; EQUIFAX
INFORMATION SERVICES LLC, a Foreign
Limited-Liability Company; EXPERIAN
INFORMATION SOLUTIONS, INC., a
Foreign Corporation; and TRANS UNION
LLC, a Foreign Limited-Liability Company,

Defendants.

Plaintiff, James Edward Jones (hereinafter "Plaintiff"), by and through counsel, Cogburn Law, hereby complains against Defendants as follows:

I. PRELIMINARY STATEMENT

1. This is an action for damages brought by an individual consumer for Defendants' violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, et seq. (hereinafter

1 “FDCPA”), which prohibits debt collectors from engaging in abusive, deceptive, and unfair
2 practices.

3 2. Furthermore, this action is brought pursuant to the Fair Credit Reporting Act,
4 15 U.S.C. § 1681 et seq. (hereinafter “FCRA”), and state law.

5 **II. JURISDICTION AND VENUE**

6 **A. JURISDICTION OF THE COURT**

7 3. The jurisdiction of this Court is conferred by 15 U.S.C. § 1681(p) and 28 U.S.C.
8 § 1367.

9 **B. VENUE**

10 4. Venue is proper pursuant to 28 U.S.C. § 1391 as Defendants do business within the
11 area of the District of Nevada, are subject to the Court’s personal jurisdiction and a substantial part
12 of the events giving rise to the claims alleged occurred within the District of Nevada.

13 **III. PARTIES**

14 5. Plaintiff is a natural person and resident of the State of Nevada.

15 6. Plaintiff is a “consumer” as defined by the FDCPA, 15 U.S.C. § 1681a(c).

16 7. Upon information and belief, Designed Receivable Solutions, Inc. (hereinafter
17 “DRS” or the “Furnisher”) is a Collection Agency engaged in the business of collecting debts by
18 use of the mails and telephone, and regularly attempts to collect debts alleged to be due another.

19 8. Upon information and belief, DRS is a licensed in and doing business in the State
20 of Nevada.

21 9. Upon information and belief, DRS is not registered with the State of Nevada as a
22 collection agency or as a foreign collection agency.

23 10. DRS is a “debt collector” as defined by the FDCPA, 15 U.S.C. § 1692a(6) trying
24 to collect a “debt” as defined by 15 U.S.C. § 1692a(5).

1 11. This matter involves three entities in the business of furnishing credit reports.
2 Equifax, Experian, and Trans Union will be collectively known as the “Credit Bureaus.”

3 12. Upon information and belief, Equifax Information Services, LLC (hereinafter
4 “Equifax”) is a foreign entity licensed in the State of Georgia and authorized to do business in the
5 State of Nevada.

6 13. Upon information and belief, Defendant Equifax is a “consumer reporting agency,”
7 as defined in 15 U.S.C. § 1681a(f).

8 14. Upon information and belief, Defendant, Experian Information Solutions, Inc.
9 (hereinafter “Experian”), is a foreign entity incorporated under the laws of the State of California
10 and authorized to do business in the State of Nevada.

11 15. Upon information and belief, Defendant Experian is a “consumer reporting
12 agency,” as defined in 15 U.S.C. § 1681a(f).

13 16. Upon information and belief, Defendant, Trans Union LLC (hereinafter “Trans
14 Union”), is a foreign entity licensed in the State of Illinois and authorized to do business in the
15 State of Nevada.

16 17. Upon information and belief, Defendant, Trans Union, is a “consumer reporting
17 agency,” as defined in 15 U.S.C. § 1681a(f).

18 18. Upon information and belief, DRS is a furnisher of information under 15 U.S.C. §
19 1681s-2.

20 19. Plaintiff applied for and was denied business financing because of the DRS Debt
21 Account misrepresentations.

22 **IV. GENERAL ALLEGATIONS**

23 20. Plaintiff was contacted by DRS regarding collection of medical debt (hereinafter
24 the “DRS Debt”).

1 21. DRS published information through the Credit Bureaus that Date of First
2 Delinquency was August 1, 2014.

3 22. DRS failed to file suit against Plaintiff prior to the expiration of the NRS
4 11.190(1)(b) six-year statute of limitations period.

5 23. Plaintiff disputed the matter with each of the Credit Bureaus identifying the DRS
6 Debt Account was past the statute of limitations and should no longer be reporting as a collection
7 account.

8 24. Following the dispute to the Credit Bureaus, the DRS Debt Account remained on
9 Plaintiff's credit profile, even though the account was past the statute of limitations.

10 25. DRS furnished false information to the Credit Bureaus.

11 26. The Credit Bureaus and DRS failed to conduct a thorough investigation into this
12 dispute.

13 27. The DRS Debt Account failed to be removed from Plaintiff's credit, despite the fact
14 that 15 U.S.C. § 1681c(1) only permits the reporting of the account for a seven-and-a-half-year
15 period.

16 **V. CLAIMS FOR RELIEF**

17 **FIRST CLAIM FOR RELIEF**

18 **Against Designed Receivable Solutions, Inc.**
19 **(Fair Debt Collection Practices Act (FDCPA), 15 U.S.C. § 1692)**

20 28. Plaintiff realleges and incorporates all preceding paragraphs above as if fully set
21 out herein.

22 29. Defendant DRS was negligent and/or willful, rendering it liable for attempting to
23 collect an improper balance due, fees, interests and/or expenses not authorized or permitted by
24 law, and in violation of 1692f(1).

1 30. DRS's conduct was negligent or willful or both, rendering it liable for failing to
2 cease collection of an alleged debt, and not providing proper verification of the debt to the prior to
3 initiating a lawsuit, in violation of 1692g(b).

4 31. As a result of the foregoing violations, DRS is liable for actual damages, including
5 general damages and special damages in an amount to be proven at trial, but not less than up to
6 \$1,000 per violation, pursuant to 1692k(a)(1).

7 32. As a result of the foregoing violations, DRS is liable for actual damages, including
8 general damages and special damages in an amount to be proven at trial, but not less than up to
9 \$1,000 per violation, pursuant to 1692k(a)(2)(a).

10 33. As a result of the foregoing violations, DRS is liable for costs and reasonable
11 attorney fees pursuant to 1692k(a)(3).

12 34. Plaintiff hereby prays for actual damages under the FDCPA, and for statutory
13 damages as set forth above for each and every violation of the Fair Debt Collection Practices Act
14 proven at the trial of this case, and reasonable attorney fees and costs thereunder.

15 35. An actual controversy has arisen and now exists between the parties concerning
16 their respective rights and duties under the FDCPA. A judicial declaration that DRS's actions
17 violated the FDCPA is necessary so that all parties may ascertain their rights and duties under the
18 law.

19 **SECOND CLAIM FOR RELIEF**
20 **Against the Credit Bureaus**
 (Fair Credit Reporting Act (FCRA), 15 U.S.C. § 1681)

21 36. Plaintiff realleges and incorporates all preceding paragraphs as if fully set out
22 herein.

1 43. As a result of this conduct, action and inaction of the Credit Bureaus, Plaintiff
2 suffered damage by loss of credit; loss of the ability to purchase and benefit from credit; and the
3 mental and emotional pain, anguish, humiliation, and embarrassment of credit denials.

4 44. The Credit Bureaus' conduct, action and inaction was willful, rendering the Credit
5 Bureaus liable for actual or statutory damages, and punitive damages in an amount to be
6 determined by the Court pursuant to 15 U.S.C. § 1681o.

7 45. Plaintiff is entitled to recover costs and attorney fees from the Credit Bureaus in an
8 amount to be determined by the Court pursuant to 15 U.S.C. § 1681n and/or § 1681o.

9 **FOURTH CLAIM FOR RELIEF**
10 **Against Designed Receivable Solutions, Inc.**
 (Fair Credit Reporting Act (FCRA), 15 U.S.C. § 1681)

11 46. Plaintiff realleges and incorporates all preceding paragraphs as if fully set out
12 herein.

13 47. DRS violated the Fair Credit Reporting Act, 15 U.S.C. § 1681s-2(b) by continuing
14 the DRS Debt Account representation within Plaintiff's credit file with the Credit Bureaus without
15 also including a notation that this debt was disputed; by failing to fully and properly investigate
16 the Plaintiff's dispute of the DRS Debt Account representation; by failing to review all relevant
17 information regarding same; by failing to accurately respond to the Credit Bureaus; by failing to
18 correctly report results of an accurate investigation to every other credit reporting agency; and by
19 failing to permanently and lawfully correct its own internal records to prevent the re-reporting of
20 the DRS Debt Account representations to the consumer reporting agencies.

21 48. As a result of this conduct, action and inaction of DRS, Plaintiff suffered damage
22 by loss of credit; loss of the ability to purchase and benefit from credit; and the mental and
23 emotional pain, anguish, humiliation, and embarrassment of credit denials.

1 49. DRS's conduct, action and inaction was willful, rendering it liable for actual or
2 statutory, and punitive damages in an amount to be determined by the Court pursuant to 15 U.S.C.
3 § 1681n. In the alternative, it was negligent entitling the Plaintiff to recover actual damages under
4 15 U.S.C. § 1681o.

5 50. Plaintiff is entitled to recover costs and attorney fees from DRS in an amount to be
6 determined by the Court pursuant to 15 U.S.C. § 1681n and § 1681o.

7 **VI. PRAYER FOR RELIEF**

8 WHEREFORE, Plaintiff respectfully prays that judgment be entered against the
9 Defendants, on all counts, for the following:

- 10 1. Declaratory judgment that Defendants' conduct violated the FDCPA and FCRA;
 - 11 2. Actual damages;
 - 12 3. Statutory damages;
 - 13 4. Punitive damages;
 - 14 5. Costs and reasonable attorney fees; and
 - 15 6. For such other and further relief as the Court may deem just and proper.
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1 **VII. JURY DEMAND**

2 Pursuant to Fed. R. Civ. P. 38(b) and the Seventh Amendment to the United States
3 Constitution, Plaintiff hereby demands a jury trial.

4 Dated this 14th day of January, 2021.

5 COGBURN LAW

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